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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Erratum
GEN Docket No. 90-314
ET Docket No. 92-100
Cox Enterprises, Inc. Reply Comments

Dear Ms. Searcy:

On January 8, 1993, Cox Enterprises, Inc. submitted Reply Comments in the above-captioned proceedings. Following the filing, we determined that four lines of text had inadvertently been dropped from page 38 of the final version of the comments. Cox is refiled corrected pages 38 and 39 of its Reply Comments and requests that these pages be substituted for the original pages.

Please contact me should you have any questions regarding this Erratum.

Respectfully submitted,



Laura H. Phillips
Counsel for Cox Enterprises, Inc.

LHP/pmd
Enclosures

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- 38 -

PCS operator may build or use to provide service, no single PCS provider will have a bottleneck that could choke the development of cable systems.

The Commission's legal conclusions about bottleneck facilities are buttressed by the facts. A PCS provider's facilities would be of no use in the distribution of video programming to cable subscribers. Cable operators offering video programming need ubiquitous, contiguous conduit in populated residential areas for their operations. PCS facilities, however they may develop, will be primarily radio based services operating on limited amounts of spectrum.^{54/}

3. A Non-LEC PCS Provider Is Not a Local Exchange Carrier.

A PCS provider will not be a local exchange carrier under any traditional definition of the term. While PCS may provide some forms of local telecommunications service, it has no state-granted monopoly.

The Commission's analysis of the inapplicability of the cross-ownership rule to cellular carriers is particularly instructive. Functionally, cellular carriers may be similar to LECs because both provide local telephone service. Nevertheless, cellular carriers are not subject to the cross-ownership prohibition because, like future PCS providers, cellular carriers do not control bottleneck facilities essential for the development of cable. See Cable Act Implementation Order, 58 R.R.2d at 16. Consequently, PCS providers, like cellular carriers, are

^{54/} If the mere ownership of telecommunications facilities renders a carrier a "bottleneck," many carriers already found not to be subject to the cross-ownership provision (including interexchange carriers and cellular carriers) would be "bottlenecks." This result would be contrary to the Commission's existing and well-founded precedent.

not local exchange carriers and, therefore are not subject to the cross-ownership prohibition.

VII. CONCLUSION

The Commission has received numerous comments in support of licensing PCS in a manner that advances the Commission's goal of introducing competition into the local telecommunications market. The regulatory framework best suited to accomplish this goal would: (1) provide each PCS operator with a 40 MHz assignment, the minimum sufficient spectrum assignment to fully develop a range of competitive services; (2) create a substantial spectrum reserve in the 1850-1990 MHz band that spectrum constrained PCS operators could access to ensure they are not blocked from developing service; (3) license markets by Major Trading Areas; (4) reform local exchange interconnection and pricing policies; and (5) select the best qualified as PCS licensees through streamlined comparative hearings.

PCS license eligibility should be tied to a potential provider's ability and incentive to provide competitive telecommunications services. Cox submits that LECs and their affiliates, including cellular, should not be PCS licensees within their markets.

There is no merit to the comments that suggest legal or other problems stemming from cable participation in PCS. The cable-telco cross-ownership prohibition clearly contemplates cable offerings of non-video programming including private carrier and common carrier services. The Commission has affirmed that the cross-ownership rule is applicable only to traditional landline